

The Criminalization of Cruelty within the Malaysian and Pakistani Family Laws: A Comparative Analysis

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Abstract: The Muslim Family laws of Malaysia and Pakistan are based on Shari'ah, however they are codified laws administered by modern day judicial system. Under these Muslim family laws, cruelty or inhuman treatment can be a fault-based ground for the dissolution of a marriage and an avenue for legal remedies. Cruelty causes mental and emotional trauma and may create intolerable conditions within spouses, also detrimental to the children. In Pakistan, the problem is that the intention of framers of the Muslim family law are of protection of the innocent rather than to punish the transgressor, therefore, divorce is possible, however no retribution for the offending spouse. Conversely, cruelty or ill-treatment is a punishable offence under the Islamic family laws of Malaysia. Adopting descriptive and analytical qualitative case study approach for this exploratory study, the authors have argued that family courts in Pakistan are under legal obligation to decide matrimonial issues with inclusion of cruelty and an appropriate venue dealing family violence. Hence, with the more appropriate sentencing approaches, this paper intends to introduce a new offence of cruelty or ill-treatment of spouses into the Pakistan's family laws.

1 INTRODUCTION

Family is a basic unit of Islamic society. Islam recognizes the family system and its respect and give importance attached thereto. (*Hafiz Abdul Waheed v Miss Asma Jahangir*, 1997) In an Islamic state like Pakistan, the purpose and formation of family law is to preserve the marriage bond because in Islam it is a meritorious institution. If family suffered from inequality and permanent conflicts among the partners, it will become very difficult for its just survival. For that reasons, to recognize and guaranteeing women's human rights, the constitution of Islamic Republic of Pakistan provides the protection of marriage, the family, the mother and the child. (*Constitution of Islamic Republic of Pakistan*, 1973, Art'35) The Constitution of Pakistan allow and guaranteed an adult woman free to marry according to her choice and honour the right to seek divorce. (Yefet, 2011) Due to this constitutional right and legal permission, many women use their right to choose their own spouse or seeking divorce from an abusive husband.

The Family laws in Pakistan are based on the Muslim personal laws that are relating to religions

(for Muslims, based on the primary sources of Islamic law i.e. the Holy Qur'an and the Sunnah) as well as for Hindus, Christians and other religious groups according to their faiths. (Hashmi, 2007) Family laws in Pakistan are a mixture of codified law and customary practices based on religious norms though administered in a secular procedural framework of a modern-day dispute resolution forum of the judiciary. (Ali, 2002)

The one significant problem attached thereto is that Pakistan's Muslim family law doesn't recognise cruelty or ill-treatment of any of the spouse a punishable offence. Subsequently, the purpose of this article is to consider the areas of family law in which cruelty or ill-treatment is material and to examine the principles which guide courts in determining what constitutes sufficient cruelty to entitle a complainant to relief.

This paper will focuses on the cruelty clauses of two countries, practicing Islamic Family laws within their judicial systems, Pakistan and Malaysia, and discusses the problem of the recognition of the cruelty amongst the two countries and provide an analysis on the recognition criteria on cruelty. Part I will discuss the cruelty clauses in Pakistan within marriages and

divorces, and will offer examples of how cruelty will be established through court decisions in the country. Part II will provide considerations on cruelty from the Malaysian perspectives, and analyse the cruelty clauses into the family laws of Malaysia and will argue if Pakistan to emulate the Malaysian family law responses to cruelty as that is also essential to Muslim personal laws. Part III will provide discussion and analysis and finally, Part IV will look at possible solutions for ending the problem of cruelty that distract marriages. There is now a growing trend of punishing nonviolent behaviour, because it causes serious emotional suffering, hence, an answer to some of these concerns maybe to develop a new offence of cruelty.

1.1 Materials and Methods

In order to achieve the objective of this paper, the authors have adopted qualitative legal research approach. This study is critical and analytical in nature. For analysing the available data i.e. case law and legislation, researcher have employed the primary sources of doctrinal approach. Then, for the secondary sources of materials, the authors have referred to the monographs and journal articles. By using descriptive, exploratory and content analysis approach, researchers have examined the court cases, their background, as well as the approach of the courts players that had been determined. The findings of this paper will reflect the researchers' abilities to illustrate the phenomenon.

1.2 Cruelty within Pakistani Family Courts Jurisdictions

Matrimonial matters are involved delicate human relations. They are emotional issues as well. In the context of Pakistan it is hypothetical that women are under privileged and generally oppressed section of the society, because of that the concept of social justice rather than legal justice be advanced in matrimonial matters and these relations could not be judged on legal factors alone. For innumerable Muslim women who are trapped in unhappy marriages, facing unspeakable misery, the Dissolution of Muslim Marriages Act, 1939(DMMA) finally recognised those women's right to marital freedom. (Cherry, 2001) As acknowledged by the Supreme Court, in the case of *Abid Hussain v. Additional District Judge Ali Pur* (2006) the aim to establish DMMA, 1939 was to protect women from prolonged and costly litigation, as such it aimed to put a clog on the right of husband.

The DMMA is the most important piece of legislation promulgated during British colonial India in the area of Muslim Family Laws inherited by the Pakistan when become sovereign state in 1947. The DMMA consolidates and clarifies the provisions of Muslim Law relating to the valid grounds for dissolution of marriage in a suit filed by the wife. Under the DMMA, there are ten grounds have been given for dissolution of Muslim marriages. (Manzoor, 2014) Due to limitations, the authors only produce *the Dissolution of Muslim Marriages Act*, (1939, s, 2 (viii)); (*Abdul Hafeez v Shamaila Bibi* 2013) that provides cruelty as a ground for dissolution of marriage, whenever the husband treats his wife with cruelty as follows: -

- (a) habitually assaults her or make her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, (*Sahibzada Sheheryar Abbasi v. Samia Abbasi* 1992) or
- (b) associates with women of evil repute or leads an infamous life, (*Abdul Hafeez v. Shamaila Bibi and 2 others* 2013) or
- (c) attempts to force her to lead an immoral life, (*Malik Tanveer Khan v Mst. Amber Liaquat* 2009) or
- (d) disposes of her property or prevents her exercising her legal rights over it, (*Shahana Bibi v. Nadeem Shah*, 2015; *Bibi Anwar Khatoon v. Gulab Shah*, 1988) or
- (e) obstructs her in the observance of her religious profession or practice, or
- (f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Qur'an. (Ali Ishfaq, 2014)

Pakistani courts while interpreting cruelty emphasised that cruelty can be either physical, mental or even by conduct, as mentioned in clauses (b), (c), (d) and (e) provided by DMMA subjected to evidence produced by the parties. Along with physical torture and beating. Cruelty includes habitual use of abusive and insulting language to the wife, more importantly, mental cruelty is the worst. (*Muhammad Arif Khan v Shakoor Akhtar*, 1999) In the case of *Arif Khan v Shakoor Akhtar*, the Appellate Court held that: -

“a Family Court is well within its competence to dissolve a marriage, on the basis of Khula doctrine, if from the material brought on record and the evidence led by the parties, comes to the conclusion that spouses cannot live a happy and harmonious life within the prescribed limits ordained by God.” (*Muhammad Arif Khan v Shakoor Akhtar*, 1999)

In this case, the Appellate Court concluded that the cruelty grounds taken by the respondent in the instant case for dissolution of marriage are not proved by the direct evidence however, at the same time it is very different rather impossible to prove cruelty by direct evidence. Cruelty could be felt by close association with spouse by watching different happenings during wedlock and their habits. Mental torture by husband also would amount to cruelty and want of compatibility and disharmony of feelings and thoughts could also result into discomfort and hardship to live a harmonious life. The Court emphasised that cruelty could be proved by direct evidence, though it was something to be inferred by conduct, behaviour and temperament of husband with wife while living together. (*Muhammad Arif Khan v Shakoora Akhtar*, 1999)

Maltreatment has been the most popular divorce ground, as provided in the case of *Syed Imtiaz Hussain Shah v Mst. Razia Begum* (2011) The Appellate Court observed that infliction of injury is not required by the law. In matrimonial matters, the Court have been treated false allegation against a wife to be a cruelty which results into mental torture and loss of mutual confidence. Long ago, in the case of *Muhammad Shariful Islam Khan v Suraya Begum*, (1963) the Supreme Court ruled that the mental cruelty is the worst within matrimonial settings. In the same vein, the false allegation by the husband of a chased woman as to chastity of a chased woman cuts to the heart. Mental torture by husband also would amount to cruelty and want of compatibility and hardship to live a harmonious life. (*Muhammad Arif Khan v Shakoora Akhtar*, 1999)

1.3 Cruelty within Malaysian Family Courts Jurisdictions

In Malaysia, unhappy marriage is a ground for divorce. In *fasakh* there are some grounds for applying divorce. One of the grounds is cruelty. Illustrations of cruelty are mentioned in Section 52(1)(h) of the *Islamic Family Law (Federal Territories) Act 1984* (Act 303). Section 52(1)(h) states:

- (h) that the husband or wife treats her or him, as the case may be, with cruelty, that is to say, *Inter alia*-
- (i) habitually assaults her or him or makes her or his life miserable by cruelty of conduct;
- (ii) associates with women or men of evil repute or leads what, according to Hukum Syara', is an infamous life;

- (iii) attempts to force the wife to lead an immoral life;
- (iv) disposes of her or his property or prevents her or him from exercising her or his legal rights over it;
- (v) obstructs her or him in the observance of her or his religious obligations or practice; or
- (vi) if he has more than one wife, does not treat her equitably in accordance with the requirements of Hukum Syara' ;

Within the Islamic Family Law, a victim spouse can free herself from the bondage of her violent marriage by applying for dissolution of marriage or *fasakh* under the Islamic Family law (Federal Territories) Act 1984 on the grounds that her husband treated her cruelly. (Randawar, 2015) Cases involving cruelty may be physical violence, (*Joan Mary Sulaiman v Sulaiman*, 1993) mental abuse, (*Khairul Faezah bt Hj Abdul Majid v Muhammad Salleh bin Bidin*, 2005) physically and mentally torture. (*Khairul Faezah bt Hj Abdul Majid v Muhammad Salleh bin Bidin*, 2005) It is to be noted that sufficient proof such as documentary evidence is needed to satisfy the court for *fasakh* on ground of cruelty. In the absence of sufficient evidence, the court may dismiss the application for divorce on ground of cruelty. (*Abdul Hanif v Rabiah*, 1996) For interpretations of the provisions of the statute, take for example from the British case of *Yemshaw v Lewisham Borough of London*, the Supreme Court of United Kingdom held that "domestic violence" was not limited to physical violence but comprehensively to: "threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to the risk of harm", as well as psychological harm. In the case of *Yeo Bee Lin v Lee Eng Chee*, (2004) the High Court of Malaysia was of the view that "when we talk about 'personal injuries' and 'injuries to his or her person' in s. 4A of Married Women Act, 1957, there can be no distinction between injuries of a physical nature and that of the mental variety; both are within this definition. Hence, to distinguish between the two is no longer relevant in the present day". Section 127 of the Islamic Family Law (Federal Territories) Act 1984 provides that any person who ill-treats his wife commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months or with both such fine and imprisonment.

In Malaysia, the perpetrator of cruelty may also be convicted under section 326 of the *Penal Code* (Act 574) if there is sufficient evidence that the victim applicant/wife sustained serious injuries and hospitalized. (*PP v Md Rashid Harun*, 2000) Other

than the *Penal Code* (Act 574), Malaysia has enacted *Domestic Violence Act 1994* (Act 521). The Act aims to provide legal protection in situations of domestic violence and matters incidental thereto. The wife may initiate legal proceedings against her abusive husband. The wife may also applied for an injunction to restrain husband from assaulting, harassing and molesting her. She may also claim for damages. (*Mohamed Habibullah Mahmood v Faridah bte Dato' Talib*, 2005) Moreover, under Married Women Act 1957, which is also apply both Muslims and non-Muslims, section 4A and 9 states that a spouse can be prosecuted from offences ranging from murder to common assault. On the other hand, for non-Muslims, according to *Law Reform (Marriage and Divorce) Act, 1976* s 54(1) (b) states that if the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent, (for example molestation) the marriage has irretrievably broken down.

To summarise, in Malaysia, it could be argued that victim in cruelty cases may apply for divorce and claim for damages. The wrongdoer may be sentence to imprisonment for causing physical injury.

1.4 Results and Discussions

In worldview, the concept of cruelty has been slowly transformed with the passage of time and the impact of new ideas on to it based on a strictly rational outlook of life by the development of modern life. Cruelty will always be an uncertain part of the law of divorce. Cruelty is a conduct that might make the victim's life extremely uncomfortable and miserable. For centuries cruelty was an acknowledged cause for divorce, both physical torture and domestic battery or even if mentally tormenting, the offending spouse was widely considered unfair and unjust. (Ramsey, 2013) The problem is that the conduct which amounts to cruelty has misunderstood profoundly. Statutes that criminalise cruelty define it in terms of physical hurt alone, and underestimate injuries inflicted throughout the battering relationship and the context of abuse. Moreover, the statutes have failed to criminalise the true nature of cruelty that is a patterns of power, control, and violence and have significant impact on its victims. Though, it could be argued that in cruelty, emotional, mental and psychological agony and suffering can cause physical effects and vice versa, physical pain and suffering can also cause psychological and mental pain and sufferings. (Tetlow, 2016)

Family law or personal laws, as they are more commonly referred to, are particular reference to the

position of women in Pakistan. (Tetlow, 2016) The problem is that it is built of the society that in Pakistani family system, the men of the family (the fathers, uncles and brothers) hold the right to make marital decisions for their women. This is the reason that more than 95 percent of all marriages in Pakistan are arranged by male family members. (Khan, 2006) So as the case, contrary to legislative text and despite clear injunctions and constitutional guaranties, divorce is a matter of life and death for Pakistani women. In Pakistan, a woman is considered a burden and divorce is extremely shameful, which results for many families refusing to aid or assist the divorced woman. (Naz and Zia, 2008)

The finding and analysis of the statues on family laws of both Pakistan and Malaysia suggested that they have the same substance on cruelty, either on the formation of cruelty clauses or of evidentiary standards. To be proved cruelty, petitioners requires strict burden of proof beyond any reasonable doubt as required by their criminal justice systems. Some of the cruelty clauses are intact with the respective penal codes of both countries. The significance of *Malaysian Islamic Family Law (Federal Territories) Act, 1984* is that through sections 127 and 128, both of these provisions made cruelty is a punishable offence. Moreover, Malaysia has an established *Prevention of Domestic Violence Act (Act 521)* of 1994 who effectively deals with family violence incidents more than two decades. Access to justice for Malaysian women also have some advantages due to its society's shape where high education rate and economic independent role makes Malaysian women a visible and harassment is no more a significant issue in this society.

On the other hand, in compare to Malaysian women, the Pakistani sisters have suffered most due to their passive role within families and society. They are almost invisible in economic activities, having lowest education rate in the world. In case of any victimization in the hands of very people who supposed to protect them from unnecessary abuse, the whole situation makes their access to justice impossible. Unfortunately, Pakistani women still lack of any functional law on domestic violence until today. Many efforts have been done so far to establish any law on domestic violence, unfortunately all efforts ended up with disappointments. In this situation Pakistani women have very limited access to justice and due to the prevailed tribal and feudal code Pakistan is considered one of the worst country in the world for women. (Shah, 2011)

The Pakistani woman is defined in terms of her role as a mother and a wife and her worth is dependent

on her marital status since her legal and social status are tied to her husband's will. Pakistani women have fought for equal rights since inception, however, their struggle for equal rights has been largely unsuccessful because Pakistani women are still treated as second-class citizens who do not deserve the same respect as men have. The rights of the husband to judge, control, and punish their wives were transcribed into books, thus legitimating their subjugation through force. (Cubbon, 2000). If that is the situation then the empowerment of women will only begin from family. If women enjoy respect, freedom of thought, full participation in decision making in the family life, free from all sort of violence within family and outside home, consequently it will produce well behaved responsible citizens of any society.

Since gender violence is mostly a family matter and it gets aggravated during litigation hence the family court must also have jurisdiction to entertain application of a woman being harassed in the context of their family dispute. (Hashmi, 2007) Family Courts in Pakistan are special tribunals established for a purpose, hence had powers to mould the relief and grant injunctions in the interest of justice, even if not asked. (*Mohammad Ahmad v Samia bano*, 2002) As evidenced in the case of *Mst. Neelam Nosheen v Raja Muhammad Khaqaan*, the Apex Court held that most of the Pakistani population belongs to oppressed class, predominantly lived in isolated and backward regions where the petitioners could not have proper legal assistance, so substantial responsibility lay on the family courts in dealing with the family matters. (*Mst. Neelam Nosheen v Raja Muhammad Khaqaan*, 2002) In such situation justice was the ultimate responsibility of the family courts so that they have to deliver the same in even-handed matters.

1.5 Conclusions and Recommendations

In a society where due to prevailing patriarchal culture and norms a battered wife could be deterred from taking action to protect herself, for example, to file a suit for protection, or calling the police, because of the threats or fear of any harm or filing criminal charges, there must be a mechanism and remedy which could be availed by the victim spouse. In theory, once a spouse becomes a victim of torture and violence from the other, in that case that act should be considered as matrimonial offence and criminal sanctions should be visited upon the guilty spouse. (Hor, 2011) This is because it is to be believed that people should be held accountable for their actions harmful for an individual or against society and the

criminal justice system should establish such accountability and consider it. (Layne, 2015)

In Pakistan, cruelty has many facets which covers penal liabilities i.e. and became a subject for family courts when the Family Court Act, 1964 was amended in 2002. In practice, cases relating to cruelty that covers any form of family violence were heard by the ordinary criminal and civil courts in the traditional administration of criminal justice. Unfortunately the amendments that introduced in 2002 into the Pakistan's Family Court Act, 1964, no court have taken cognizance of cases family violence till this date. The establishment of family courts have a purpose that is to provide protection to the weaker member of the society from tyranny, highhandedness and upper hand of man. In this way, as a senior judge of the Court of Sessions in Pakistan asserts, to introducing severe cruelty and other family violence provisions into the family law could be considered remarkable because women victims might feel more comfortable alleging family violence issues into the family courts. (Munir, 2006)

There remains a need for further and more comprehensive amendments in family laws, so that this article proposes the induction of an offence of cruelty into the Pakistani family law statutes with appropriate sentencing approach and provisions that will helpful in progressing the criminal justice response to matrimonial offences and Pakistan has to emulate the Section 127 and 128 of the *Islamic Family Law (Federal Territories) Act, 1984* into their Family Justice System which sanctioned prison sentence as well as fine for guilty spouse. In principle, physical or emotional abuse occurs within the family caused severe distress, in that case the justice system in Pakistan must provide an outlet for the criminalisation of cruelty in the era of 21st century.

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REFERENCES

Ali Ishfaq, (2014). Manual of Family Laws, fifth Edition (Lahore: Imran Law Book House).

- Ali, S. S. (2002). Testing the Limits of Family Law Reform in Pakistan: A Critical Analysis of the Muslim Family Laws Ordinance 1961. *International Survey of Family Law*, 317.
- Cherry, K. (2001). Marriage and Divorce Law in Pakistan and Iran: The Problem of Recognition. *Tulsa Journal of Comparative & International Law*, 9, 319.
- Cubbon, S. (2000). The Dismantling of Patriarchy. *UCL Jurisprudence Review*. 253.
- Daleleer Kaur Randawar, Dr. [2015] Law Reform (Marriage and Divorce) Act 1976: Application with regards to Violence within a Home, 5 *The Malayan Law Journal*, lxviii [Accessed through LexisNexis] retrieved on 23 July 2018.
- Hor, M. (2011). Relatively Criminal: Spouses and the Criminal Process. *Singapore Journal of Legal Studies*, 37.
- Khan, T. S. (2006). Beyond Honour: a Historical Materialist Explanation of Honour Related Violence. Oxford University Press, USA. at page 237.
- Layne, S. R. (2015). What Happened to Till Death Do Us Part: Bringing Back Fault as the Exclusive Ground for Divorce. *Journal of Law & Social Deviance*, 9, 80.
- Munir, M. A. (2006). Family Courts in Pakistan in Search of Better Remedies for Women and Children. *Lawasia Journal*., 191.
- Ramsey, C. B. (2013). The Exit Myth: Family Law, Gender Roles, and Changing Attitudes Toward Female Victims of Domestic Violence. *Michigan Journal of Gender & Law*, 20, 1.
- Tetlow, T. (2016). Criminalizing Private Torture. *William & Mary Law Review*, 58, 183.
- Yefet, K. C. (2011). The Constitution and Female-Initiated Divorce in Pakistan: Western Liberalism in Islamic Garb, 34, *Harvard Journal of Law & Gender*, 553, 558.
- Zeeshan Manzoor, (2014) *Women and the Related Laws*, (Karachi: Mega Publishers).

Reports

- Naz, Rukhshanda and Maliha Zia. 2008. Muslim Family Laws in Pakistan. Aurat Foundation. [online] URL: <<http://www.musawah.org/sites/default/files/Pakistan-report%20for%20Home%20Truths.pdf>> retrieved on 22 July 2018
- Shah Saeed, "The Worst places in the world for women: Pakistan". *The Guardian*, 14 June 2011 [Access online] Available from <<http://www.guardian.co.uk/world/2011/jun/14/worst-places-in-the-world-for-women-pakistan>> accessed on 23 April, 2018
- Syeda Viqar-un-nisa Hashmi, 'The Impact of Family Laws on the Rights of Divorced Women in Pakistan' National Commission on the Status of Women [Online] URL:<<http://www.ncsw.gov.pk/previewpublication/2/>> retrieved on 20 July 2018.
- .
- ...

Legislations

- The Constitution of Islamic Republic of Pakistan, 1973.
- The Dissolution of Muslim Marriage Act, 1939.
- Domestic Violence Act, 1994 (Act 521).
- The Islamic Family Law (Federal Territories) Act, 1984 (Act 303)
- Pakistan Family Court Act, 1964,
- Law Reform (Marriage and Divorce) Act, 1976 (Act 164).
- Malaysian Penal Code, (Act 574).
- The Married Women Act, (1957).

Case laws

- Abdul Hafeez v. Shamaila Bibi 2013 MLD 1148 Azad-Kashmir.
- Abid Hussain v. Additional District Judge Ali Pur, District Muzaffar Grah 2006 SCMR 100.
- Abdul Hanif v Rabiah (1996) 11 JH 47.
- Bibi Anwar Khatoon v. Gulab Shah and 2 others PLD 1988 Karachi 602.
- Hafiz Abdul Waheed v. Miss Asma Jahangir, PLD 1997 Lah.301.
- Joan Mary Sulaiman v Sulaiman (1993) 10 JH 8 86).
- Khairul Faezah bt Hj Abdul Majid v Muhammad Salleh bin Bidin [2005] 1 ShLR 171.
- Malik Tanveer Khan v. Mst. Amber Liaquat 2009 CLC 1210 Peshawar.
- Mohammad Ahamd v. Samia bano, 2002 CLC 209.
- Muhammad Afzal v. Additional District Judge Attock, 2010 CLC 369 Lahore.
- Muhammad Arif Khan v. Shakoor Akhtar, 1999 YLR 985.
- Mohamed Habibullah Mahmood v Faridah bte Dato' Talib [2005] 1 SHLR 71.
- Mst. Neelam Nosheen v. Raja Muhammad Khaqaan 2002 MLD 784.
- Muhammad Shariful Islam Khan v. Suraya Begum, PLD 1963 Dhaka 947.
- PP v Md Rashid Harun [2000] 3 MLJ 503
- Sahibzada Sheheryar Abbasi v. Samia Abbasi 1992 MLD 159.
- Shahana Bibi v. Nadeem Shah and 3 others, 2015 MLD 1623.
- Syed Imtiaz Hussain Shah v. Mst. Razia Begum, 2011 SCR 233.
- Yeo Bee Lin v Lee Eng Chee (2004) 1 CLJ 691.
- Yemshaw v Lewisham Borough of London [2011] UKSC 3 [28].
- Zarina bt. Shaari v Mohd Yusoff b Omar [2005] 4 ShLR